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## OCTOBER MEETING, 1900.

THE stated meeting was held on Thursday, the 11th instant, at three o'clock, P. M. ; the President in the chair.

After the reading of the record of the June meeting and of the list of donors to the Library during the summer vacation, the CABINET-KEEPER announced that arrangements had been made for opening the Cabinet to the public on every Wednesday afternoon, between the hours of two and five o'clock. He also mentioned several gifts to the Cabinet, of which the most important was a standard said to have been taken from the French, at some time between 1756 and 1763. The design, painted on both sides, is a human face dotted all over with eyes ; and underneath the motto, *Vigilantibus*. It was the gift of Mr. Walter Gilman Page.

The TREASURER made a final report on the cost of the Society's new building, and said, in substance, that during the summer a full settlement had been made with the architects, and that there were no outstanding bills on this account. The cost of the land was \$53,500, and the cost of the building was \$141,544.83, making the total cost \$195,044.83. The Society had received from the sale of the Tremont Street estate \$200,000, and from the sale of the Ellis House \$25,000, making in all \$225,000. The balance (\$29,955.17) remaining from the proceeds of these two sales after deducting the cost of the land and building has been placed to the credit of the General Fund. The total cost of the building had been somewhat increased by the erection of an iron bookstack (at the cost of \$5,334) and by some modifications of the original plan to admit of a joint occupation of the building by the American Academy of Arts and Sciences and by this Society. The cost of carpets, furniture, etc., for the Dowse Library, amounting to \$1,115.92, had been charged to the Income of the Dowse

Fund. Various bills, amounting to about \$2,000, which could not properly be charged to the construction account, had been charged to current expenses. He added that arrangements had been completed for fitting up the room intended for the reception of the Waterston Library, and that the whole cost would be defrayed from the special bequest left for that purpose by Mr. Waterston. For the purpose of carrying out these arrangements an iron bookstack would be erected in the large hall in the third story for the reception of the newspaper files, the Rebellion Collection, and other books.

Mr. SMITH also called attention to a very valuable gift of Story Papers which had been received through the President from Mr. Waldo Story, the son of the late William W. Story, for many years a Corresponding Member of the Society. This important collection consists of two hundred and fifty-nine letters used in the preparation of the Life of Mr. Justice Story of the United States Supreme Court. Among them are numerous letters to or from Chief Justice Marshall, Justice Washington, Chancellor Kent, Daniel Webster, Edward Everett, Charles Sumner, and others. Some of them have already been printed in whole or in part, but many of them have never been printed; and it is intended that a selection from the unpublished letters shall be made for printing, either as part of a volume of Collections or in the Proceedings.

The PRESIDENT, after a few remarks on the method of filling vacancies in the membership of the Society, read the following paper:—

Gentlemen of the Society, — The months have once more rolled around, and again we come together as the leaves are falling. Our last meeting was in June, — the June of a presidential year; and, as we again meet, the political canvass still drags its wearisome length along. Some things of real historical importance have, however, in the interval occurred, two, at least, of possible far-reaching moment, — I refer to the closing of the struggle in South Africa, and the outbreak of hostilities in China. Both of these, I venture to think, may hereafter prove very memorable in history on the large scale, deeply affecting, as they apparently must, the course of de-

velopment in two continents, — the two continents, Asia and Africa, in which civilization had its rise.

It gives me a certain satisfaction to put on record in our Proceedings from time to time references to current historical events. With us it is always, *Tros Tyriusque mihi nullo discrimine agetur*. Historical philosophers and not partisans, as respects events in the Transvaal we are neither what is known as pro-English nor pro-Boer. As between Imperialism and anti-Imperialism absolutely neutral, it is, none the less, worth while now and then to philosophize in a true historical spirit over those passing events which excite deep and general interest, even if the only result of our so doing will be to afford hereafter a certain languid interest, and, perhaps, amusement, to ourselves perchance, certainly to our successors.

*Forsan et hæc olim meminisse juvabit :*

if I, commonly, though most unjustly, reputed a classical scoffer and iconoclast, may venture again to quote Virgil.

In the development of events it is the unexpected which, in the long run, is almost sure to occur, and the prophetic diagnosis of an existing situation has a certain future value as showing how close to the mark, or how wide from it, the shaft may fly.

As I have already said, the events which have occurred since we separated in this room on the second Thursday of June seem to me far-reaching. It is apparently now settled that the interior of the Dark Continent, — the geographical enigma of Herodotus solved only within our memory, — that great habitable upland region between the White Nile and the Zambesi, is to undergo its development, not as an independent and self-guiding community, but under colonial influences, as part, possibly, of a Greater Britain. It needs no prophetic insight to surmise that this may, in process of time, — hardly slow any longer, — prove a very momentous decision. A century and a quarter back a similar decision was made, also by the cast of war, in the case of this North American continent; only the fates then decided the issue the other way. None the less, the decision was unquestionably momentous, — in consequences unmistakably far-reaching. Interior Africa is accordingly to face the future under the conditions and subject to the influences which have prevailed in Canada and

in Australia, rather than under those which for a century and a quarter back have prevailed in the United States.

Whether to the race of man upon earth this will prove beneficial, or the reverse of beneficial, is the question,—a question concerning which much might not impossibly be said on each side. We all feel quite clear in our minds that it would have been a great misfortune from every point of view had the American effort at independence met in 1780 the fate of the South African effort in 1900; but it is by no means so clear that what was best under the conditions prevailing in the middle of the eighteenth century would also be best under the conditions prevailing at the beginning of the twentieth century. *Tempora mutantur, nos et mutamur in illis*. Historical consequences are at once strange and remote; and, curiously enough, it is quite undeniable that the lessons of our own War of Independence are to-day greatly influencing the attitude and action of Great Britain in South Africa. Indeed, our ancestors largely shaped the policy that country has since pursued towards all her dependencies. I certainly am no believer in colonial development. James Russell Lowell once wrote a very charming paper entitled "On a Certain Condescension in Foreigners"; and whenever I have chanced to be in a so-called Dependency, no matter what or where, I have thought I became at once conscious of leading-strings. They were not the less felt because nowhere in evidence. There was an unexpressed acceptance of foreign condescension as a thing of course. Will this always and necessarily be so? Is it a condition inseparable from a system of dependencies, even when that system is born again, and re-christened an Imperial English-speaking Federation? So far as I can formulate it, that is now the issue of the future in the case of Africa. That this acceptance by one community of a certain condescension on the part of another and distant community has a deteriorating influence, is undeniable. No community subject to its subtle influence ever yet, so far as my historic observation goes, developed into what may be sufficiently well described as perfect national manhood. I do not as yet quite believe that any ever will.

The twentieth century will probably record the outcome of a new experiment. Not impossibly, impelled by steam and

electricity, the world is entering, in ways unseen by us, on a new phase of centralization, — perhaps that foreshadowed sixty years ago by Tennyson, when he described how

“the battle flags were furled  
In the Parliament of Man, the Federation of the World.”

We cannot tell. This only is sure, — since we separated here in June, the dice of war have in this matter been thrown in the case of Africa. The United States of South Africa has ceased to exist.

So also with Asia. Of the so-called “Boxer” insurrection I know nothing. In certain ways my personal sympathies incline strongly to the Orientals. I, for instance, am an American; and I call myself, and am called, a Christian. As such, I do not think I should greatly fancy a vigorous missionary and proselyting movement conducted in my neighborhood by Buddhist and Asiatic emissaries, not wholly without a certain air of aggressive superiority. I might in time weary even of being on all occasions reminded that I was of an “inferior race.” Half a century ago we heard something very like that from Europe; and we did not relish it. This, however, I take to be merely a human or sympathetic view of an historical question, and it is the purely historical view which alone is appropriate to this time and place. Regarded as an historical evolution, I cannot help suspecting a deep significance in the development of the Chinese situation during the last three months. It is highly suggestive of a sequence; and historical sequences are apt to reflect what may well enough be described as the logic of destiny.

Trace this logic, for instance, in the case of Asia. Passing over the whole sixteenth century, — the period of Portuguese and Dutch settlement there, — we come to the formation of the great East India Company, chartered almost exactly three centuries ago, — on December 31, 1600. From that day to this the course of Eastern events in the direction of European supremacy has been uniform, logical and irresistible. The Asiatic has contended as best he could, at times making convulsive efforts to free himself from a foreign dominion hateful to him; but those efforts have all proved futile, and domain after domain — now in Hindostan, now in Siberia, in Burmah, in Siam, in Cochin China, and, last as well as first, in the

Philippines — has been brought into subjection. China's turn seems at last to have come. In this sequence of events — running consecutively through centuries and spreading over so wide an area — I cannot help inferring some natural law at work, — some process of evolution going on, the conditions of which we do not clearly understand, while the result is as yet in no way foreshadowed. Heretofore the United States has not been involved, though Spain from the beginning was; but now, as the wholly unforeseen result of a war over Cuba, the United States finds itself substituted for Spain in the evolutionary process in Asia. Whether it can extricate itself or be extricated, is a question which has been discussed with much more animation than intelligence in the canvass now going on; that, however, I take to be a mere minor, and in the long run quite immaterial, factor in the great historical process of Caucasian supremacy in the East, — a factor of moment only to ourselves. Whether this country is involved in it or keeps clear of it, it seems quite plain that the process is not going to stop at the point now reached. On the contrary, the Russian movement is ever acquiring headway; while the corresponding English movement can hardly halt in presence of it. It is, consequently, as the last step in an historical process now entering on its fourth century of continuous development that the Chinese complications which have arisen during the last three months seem to me to have an historical interest and significance. With a fuller appreciation of what we have come to know as the unity and continuity of history, it all has for me, I confess, an unpleasantly fatalistic aspect. It is ominously suggestive of those lines of Tennyson, written nearly fifty years ago and during my college days, —

“Do we move ourselves, or are moved by an unseen hand at a game  
That pushes us off from the board, and others ever succeed?”

For the drift of the Maker is dark, an Isis hid by the veil.

Who knows the ways of the world, how God will bring them about?”

As to the presidential canvass still in progress, from one point of view at least it has been in agreeable contrast with that of four years ago. Some of those here may remember that, from a purely historical point of view and as matter of record, I ventured, at the meeting of our Society in 1896, corresponding to the present meeting, to philosophize over the

canvass then going on, and to estimate the importance of the issues involved in it at their real, and not their campaign, value. Accordingly, I put on record the conclusion that the issues to be decided in 1896 were of distinct importance, — of greater importance, indeed, than the issues presented in any other presidential election within my experience, the mid-war election of 1864 alone excepted.

Historically viewed, that of 1896 was certainly a very earnest political contest. There was no doubt whatever as to the nature of what, in the present canvass, has come to be known as the “paramount issue” involved. The question was as to the “immediate restoration of the free and unlimited coinage of silver and gold at the legal ratio of 16 to 1 by the United States, without waiting for the aid or consent of any other nation.” Over the consequences which must necessarily follow the adoption of such a policy by the United States, I then ventured, you will remember, to philosophize in a spirit appropriate to place and time, reaching the conclusion that, should the popular verdict be in favor of the proposed monetary experiment, it could hardly fail to result in consequences which future members of the Society would study with profound interest. In other words, the issue involved was well defined, and, in my judgment, momentous.

The contest now drawing to a close has, in this respect, been altogether different. Throughout, there does not seem to have been any recognized consensus of opinion on the question of a “paramount issue.” At one time, or in certain sections of the country, party leaders and candidates seemed to incline towards a continuance of the struggle of 1896, and muttered references were heard to “the gold blanket” and the “crime of ’73.” These were promptly met, however, by appeals to “the full dinner-pail” as a political object lesson; and the “paramount issue” search was then renewed, — a species of national hunting of the snark. Judging by the campaign utterances of the same men in different localities, the debate has since assumed what the writers of fiction describe as a local color. “Expansion,” as it is called, is warmly, as it is generally, favored; but it is very noticeable that “Imperialism” is everywhere denounced or disavowed. Trusts and monopolies are next experimented on, and hold the stage, or are withdrawn from it, as the audience evinces interest or



weariness. The question of white rule, or race dominance, plainly controls in one large section, while in others something is heard of the "honor of the flag," of "Destiny and Duty" and of "Government by Injunction." Finally, the electorate is assured that, after all, the real issue is between those quite intangible as well as indefinable somethings known as "Bryanism," on the one side, and "McKinleyism," on the other. It is again the case of the Nominalist against the Realist.

Accordingly, as compared with four years ago, the controlling issue is certainly less distinctly defined; and, in the general judgment, however it may be in fact, the result of the canvass is not thought to be so momentous. A certain lassitude seems even to prevail; what the politicians term "apathy." This is very noticeably reflected in the campaign oratory. Being, as a rule, men now somewhat advanced in life, we are all of us pretty thoroughly accustomed to what may not inappropriately be described as our national quadrennial circus. When those periods and performances come about, we nerve ourselves, as best we may, to listen to the stentorian and wild-eyed orator, as he solemnly asseverates that, since Christ stood before Pilate, no equally momentous issue to that then at stake had been presented for its decision to any human tribunal. To this and similar figures of speech we have, indeed, become so hardened that their absence from the exhortations of the present year has been not less noticeable than refreshing. Yet, curiously enough, the largest estimate of the importance of the issue involved that has come to my notice is that reached by a highly honored Honorary Member of this Society, Mr. Schurz, for whom no one entertains a greater respect than I, who has recently expressed a matured belief that the peril now confronting our institutions is the greatest that has in our whole history ever befallen us, exceeding even that involved in Slavery, Secession, Rebellion and Civil War.<sup>1</sup> Of course, this may be so. The worst political, as the worst physical, dangers are often the most disguised and insidious. This point I do not discuss. I merely put the opinion on record now and here, as entitled from its source to

<sup>1</sup> "The policy of Imperialism has brought upon our Republic the greatest peril to the integrity of its free institutions, its peace, its honor, and its true greatness, that has ever befallen it." Speech at Cooper Union, New York, Friday, September 28, 1900.

great weight, and so interesting for future reference. None the less, as compared with the elections of 1856, 1860 or 1864, all of them during the great crises of the slavery agitation, it will hardly be denied that the canvass now going on is being very quietly and, on the whole, decently conducted. Here in America, though free discussion has not unseldom been absolutely suppressed through large sections of country, we have never indulged in the rough election methods not uncommon in England, and apparently indigenous in Ireland. These methods, it will be remembered, only four years ago excited the special wonder of our associate, the present junior Senator from Massachusetts.<sup>1</sup> With us, in the Northern States at least, husting fights are not usual; though, when they do occur, they are apt to be serious occasions to those concerned in them. But, in the present canvass, the amenities of debate have, as a rule, been respected, and we have been annoyed neither by a too unblushing mendacity nor yet by a wholly unreasoning spirit of exaggeration. This at least has been cause for gratulation.

We do not, however, now come together with unbroken numbers. On the evening of the day of our last meeting, — Thursday, 14th June, — William H. Whitmore died; speedily followed on the 22d of the month by Augustus Lowell. And, somewhat curiously, while certain of us, representing this Society, were returning together from the obsequies of Mr. Lowell, at Brookline, there was discussion of Judge Chamberlain's failing health, and forebodings on his account. At that very hour he was passing away at his house in Chelsea, and his death was in the evening announced. Within the space of eleven days three names had been taken from the Society's roll. Since then, also, tidings have reached us of the deaths of two of our Corresponding Members, John Nicholas Brown, of Rhode Island, and Jacob D. Cox, of Ohio. In accordance with our usage, I shall presently call on others to pay tribute to those thus gone, confining myself to the statement of a few simple facts concerning them in their connection with the Society.

At the time of his death Mr. Whitmore stood here fifth in

<sup>1</sup> See the paper of H. C. Lodge in Harper's New Monthly Magazine, July, 1896, vol. xciii. pp. 232-237.

seniority, having been elected at the February meeting of 1863, succeeding Nathan Hale, whose death was that day announced. The election into the Society of Mr. Hale was in January, 1820. These two successive memberships, therefore, carry us back eighty years, — far towards the beginning of the century now at its close. The name of Mr. Whitmore is included by Dr. Green in his list of our “junior” members,<sup>1</sup> he having been chosen in his twenty-sixth year. During the earlier period of his connection Mr. Whitmore took an active interest in the Society’s affairs, contributing frequently to its Proceedings, and, in 1871–72, serving on its Standing Committee. Subsequently he did the principal part<sup>2</sup> of the editorial work in connection with the publication of the Sewall diary and papers. Of late years he has appeared less frequently at our meetings; and, indeed, I do not remember ever to have seen him in our present building. An antiquarian, and closely associated in research and sentiment with the older Boston, I question whether he ever became altogether reconciled to our departure from the immediate neighborhood of the City Hall, and King’s Chapel burying-ground. The last time I recall Mr. Whitmore as being present at our meetings was in May, 1891, when he paid a tribute to our late associate Augustus T. Perkins, a memoir of whom he subsequently prepared.<sup>3</sup> The absorbing work of his later years was in connection with the city records and archives; and I shall presently ask our associate Mr. Appleton to speak of him, for Mr. Appleton has in that field been his co-laborer.

Of Mellen Chamberlain I could find it in my heart to say much did that office not now devolve on others; for, ever since I became a member of the Society, he has been in it a no less striking than prominent figure. He was chosen at the January meeting of 1873, and, at the time of his death, his name stood eleventh on our roll. From his election until, a few years back, failing health due to organic trouble practically incapacitated him, he was constant in attendance at our meetings, and twenty-two volumes of our printed Proceedings bear evidence to active participation. For an Historical Society he was a model member, — a member of a sort of which it would not be easy for such a Society to have more than enough. Tall

<sup>1</sup> 2 Proceedings, vol. ix. p. 94.

<sup>2</sup> Proceedings, vol. xvi. p. 369.

<sup>3</sup> 2 Proceedings, vol. vii. pp. 426–437.

and erect, and of a vigorous physique, with a strong head and face of the New England type, he said what he had to say clearly and simply, in measured, well-chosen words. A frequent speaker, he never wearied us. Chosen to the Executive Committee of the Council in April, 1885, he there served his term, and subsequently was repeatedly a member of the Nominating Committee annually appointed. A frequent contributor of papers, not seldom of exceptional value, it is unnecessary for me to refer to them in detail, as he himself caused the more noticeable of them to be collected in a volume, published two years ago. The recognition of these papers as of permanent value was immediate, and gave him a satisfaction pleasant to witness, a satisfaction he felt no call to disguise. During his long period of failing strength, when his death might at any moment occur, he twice sent for me to come to his house in Chelsea to discuss with him the disposition of his papers and the posthumous completion of his work. In those interviews there was much that was pleasing, and something of the pathetic. In a voice broken with emotion he referred to his unfinished history of Chelsea, and the provision he had made to insure its completion; and then, shortly after, in words vibrating with satisfaction, he spoke of the notices of his recently published volume, and of the words of kindly appreciation which had come to him from those whose judgment he greatly esteemed. We had not often heard from him of late; but, on the occasion of our January meeting, feeling that day exceptionally well, he suddenly rose and took part in our discussion. Many here will recall the incident. We then listened to him for the last time; and the place he occupied here will not soon be filled. His name is enrolled among our benefactors by bequest; and, so far as the work he had most at heart was concerned, he made the Society his literary executor. Individually, it is with profound regret I now bid him farewell.

There are certain names which seem almost inseparable from the roll of the Society, they have been so constantly inscribed upon it. Among these, few are more noticeable for their frequency than that of Lowell, if, indeed, any name is in that respect so noticeable. It first appears in the Rev. Charles Lowell, chosen a member in 1815. Resigning in 1856, he was re-elected in 1859, and died in 1861, after a membership of forty-

three years. His brother, John Lowell, was chosen in 1823, and his membership ceased in 1840. In due time he was succeeded by his son, John Amory Lowell, who, chosen in 1855, died in 1881. In the mean while James Russell Lowell, son of Charles, had been chosen in 1863, two years after his father's death; another John Lowell, son of John Amory Lowell, was chosen in 1878; Edward Jackson Lowell, in 1884; Abbott Lawrence Lowell, in 1890; Francis Cabot Lowell, in 1896; and, finally, Augustus Lowell, in 1900. Thus Augustus Lowell, whose death at the age of seventy years occurred on the 22d of June last, was the grandson of one member, the son of another, the brother of yet a third, and the father of a fourth. Elected only three months before his death, I am not aware that he ever attended one of our meetings. I have, indeed, understood that at the time he was chosen the trouble of which he so shortly after died had already developed, and he was even then making his arrangements for the event which he was advised was more than probable should he decide to undergo the heroic surgical treatment which was the only alternative to a life of prolonged suffering. Characteristically, he preferred, facing the ordeal, to take the chances. Nevertheless, though he never attended one of our meetings, — though, a man of seventy, he realized that under the circumstances of his health he probably never would attend a meeting, — and, indeed, for that very reason, — he now, as did Henry L. Pierce when similarly selected a few years since, qualified himself as a Life Member. It was a gracious, thoughtful act.

A member of one of the oldest and most conspicuous of our post-revolutionary Boston families, — distinguished in theology, law, literature, manufactures, in public benefactions and in arms, — Augustus Lowell was typical of a class of men who for generations have constituted the fibre of our Massachusetts community, — Appletons, Lawrences, Lymans and Eliots. Public-spirited, but not solicitous of prominence or of office, with a strong sense of self-respect and of obligation to family and community, he through life did the work at his hand to do in the way he thought it should be done. That he was not earlier chosen into our Society was due to the fact that so many of his name and kin were already of us. His brother died only three years ago; his son was chosen ten

years ago. Even thus, that he did not earlier become of us was distinctly our loss.

I shall now, in accordance with the usage which has of late prevailed, ask Mr. Appleton to pay tribute to Mr. Whitmore.

Mr. WILLIAM S. APPLETON, having been called on, spoke as follows :—

The meeting of this Society on the fourteenth of June was hardly dissolved, when occurred the death of William H. Whitmore, City Registrar of Boston. His place on the roll of membership was next before Judge Endicott, whose death was announced in May, and next after Dr. Park, whose death was announced in June. During his life Whitmore was engaged in so many different occupations that one can hardly fail to recall the words of the old saw, recalling them however only to reject them as inapplicable, for there are trades at which he was very good indeed. He was by turns merchant, genealogist, herald, editor, reviewer, artist, politician, city official; but always a true antiquary, and always an intelligent and entertaining companion. He had his peculiarities, but who has none? His prejudices were strong, his likes and dislikes very decided; but probably most of us could easily match them among our acquaintance, even if not conscious of the same in ourselves. I did not know him as schoolmate or playmate, but met him first probably in 1863. Since then we have kept up friendly intercourse, and twice for several years we met constantly, working together on matters in which we were both deeply interested.

Whitmore early began his work as genealogist, and kept it up all his life. He joined the New England Historic-Genealogical Society at seventeen, and was only eighteen when he prepared for Brooks' History of Medford the Register of Families settled at that town. For more than forty years he was constantly engaged in genealogical work, and the result is a long list of family histories. He compiled no large volume, such as have been written by others, generally far less qualified for the task. He prepared for this Society the record of the Sewall family, printed in the first volume of the Diary of Samuel Sewall. He also put together a very useful work, issued in 1862 as "A Handbook of American Genealogy."

Fuller editions were printed in 1868 and 1875 with the title "The American Genealogist"; and it also appeared as late as 1897, but in a different and less desirable form. Under the title "Ancestral Tablets" he prepared in 1868 the first of many arrangements for recording in small space one's ancestors for eight generations. Many hundreds, probably thousands, of this work have been sold in successive editions, and I am not sure that any of the later and similar arrangements are in any way an improvement on Whitmore's original plan.

In 1864 the New England Historic-Genealogical Society for the first time appointed a Committee on Heraldry, of which Whitmore was chairman, the other members being the Rev. William S. Bartlet, Abner C. Goodell, Jr., Augustus T. Perkins, and William S. Appleton, all then or later members of this Society. Mr. Bartlet never did anything as member, but the rest of us took hold of this novel study with enthusiasm, though with less critical judgment than we should have shown later. I recall with the greatest pleasure our meetings in Whitmore's den, and I also remember well the utter ignorance which I felt at first. The record of the Committee is the "Heraldic Journal," of which three of the four volumes were edited by Whitmore. He also prepared a useful little handbook, issued in 1866 as the "Elements of Heraldry."

It is probably as editor that Whitmore did his best work, that by which he will be longest remembered. In 1860 he made the first fairly complete collection of the poems of the brilliant young English writer Winthrop Mackworth Praed. For this Society he was of the Publishing Committee for Sewall's Diary, and on the appearance of the first volume Dr. Ellis, Chairman of the Committee, renounced in Whitmore's favor all claim to the editorial work, naming Whitmore as "the most capable and industrious man among us in the field of his special inquiries." More important, however, was his work for the Prince Society, for which he edited John Dunton's "Letters from New England," and three volumes entitled "The Andros Tracts." To both of these he devoted much time and thought, and his study of the character of Sir Edmund Andros was perhaps the beginning of a changed estimate of that man, whom Whitmore could not consider an enemy of New England, though certainly not such a friend as our fathers desired.

In 1875 the City Government authorized the appointment of two persons as Record Commissioners of the City of Boston. Whitmore and myself were appointed, and we were the only persons who ever held the office, the duties being later joined to those of the City Registrar. Of the twenty-eight volumes already printed Whitmore alone is responsible for the editing of most, though we worked together on some, and of a few I claim the credit or blame as they may be thought to deserve. The series as a whole has been highly commended, and City and Commissioners have been praised for the result. By special authority of the City Government he prepared two volumes, in which he felt, I think, as much satisfaction as in anything he did. These are "The Colonial Laws of Massachusetts, 1672-1686," printed in 1887, and "The Colonial Laws of Massachusetts, 1660-1672, with the Body of Liberties, 1641," printed in 1889. The preparation and editing of these volumes interested Whitmore deeply, and he made it what is so often called a labor of love. Judge Chamberlain and Mr. Goodell alluded to the volumes at meetings of this Society, both speaking of them in terms of the highest praise, and both able to judge them from a point of view which I make no pretension to claim as reached by myself.

Whitmore did much good work as reviewer and critic, in early years in the "New England Genealogical Register," and later in the "Nation," the editor of which naturally put in his hands all works relating to Genealogy and Heraldry. His notices of such books were often quite long, and always delightful reading. He greatly enjoyed showing up the weak points of such volumes as "America Heraldica," "Americans of Royal Descent," and too pretentious or fictitious genealogies. He was critical by nature and not afraid of controversy. The easy-going, uncritical, happy-go-lucky methods so common here were not to his liking. This appeared largely in his work as reviewer. He ridiculed the baseless claims to superior origin set forth in so many family histories. The use of armorial bearings, so common of late years in this country, is a harmless if somewhat ridiculous fancy, since they may be considered simply a form of ornament; but he was provoked when they were claimed as an inheritance by families who do not even know the origin and parentage of their first settler in America.



At one time Whitmore devoted himself quite seriously to painting. I will not undertake to say what he might possibly have been and done after years of study and practice. It is not likely that he would ever have become a great artist. I have, however, a study of a girl's head, given me by himself, which is far from bad, and is in fact a good and agreeable piece of work.

In the seventies and eighties Whitmore was active in the municipal politics of Boston. I think it is safe to say that this was the part of his career which gave the least pleasure to his friends, though perhaps I am mistaken in supposing that they generally looked on it as I did. But his position in the City Government enabled him to be of use in one very important work, the preservation and restoration of the Old State House, and the installation therein as its guardian of the Bostonian Society. This organization owes its being largely to him, though his official position prevented him from appearing as one of its incorporators.

Whitmore's opportunity came in 1892, when Mayor Matthews appointed him City Registrar on the death of Nicholas A. Apollonio. This latter was an amiable, agreeable gentleman, whom some of us, perhaps many, undoubtedly remember very pleasantly. He had carried on his office as he found it, probably without a thought of improving or enlarging its work. The place was one whose possibilities just suited Whitmore, and Whitmore was just the man for the place. Without any sudden or extraordinary changes, he introduced a system which greatly improved the work; and the consolidation with the Registry of the Record Commission, while throwing me out of a pleasant office, added both to the dignity and duty of the City Registrar. Whitmore was fully able to support the former and to discharge the latter.

Harvard and Williams early recognized his historical and literary merit by giving him in 1867 the honorary degree of Master of Arts.

He was elected a member of this Society in 1863, and was for several years the youngest member. Although of late a most irregular attendant at meetings, he made in earlier years several important contributions to the Proceedings, two of the most noteworthy being "Early Painters and Engravers of New England" in 1866, and "Origin of the Names of Towns in

Massachusetts" in 1873. His name does not appear on the roll of the American Antiquarian Society, — why, I cannot say; possibly he was at some time elected, but declined. Certain it is, however, that if there have been antiquarians among us since James Savage, William H. Whitmore was one of them.

MR. GEORGE B. CHASE, who it was expected would follow Mr. Appleton with some remarks on the death of Judge Chamberlain, was unavoidably prevented from doing so; and the remarks which he would have given are here printed from his manuscript:—

On the morning after my return, in October, 1878, from a summer passed in England, I went to the Public Library, of which at that time I was a Trustee, to have a talk with our venerable associate Dr. Green, whom I had left in the previous June in the efficient discharge of his duties as Acting Librarian. His desk was surrounded by officials, and I sat down to wait for my turn to speak to him. To my amazement a strange voice came from the occupant of the Librarian's chair. In June, the Trustees had been utterly at a loss where to turn to fill the place so recently occupied by Justin Winsor; in July, they had still been oppressed by the almost irreparable loss sustained by Winsor's resignation. My first thought, therefore, in visiting the Library that morning had been to inquire of Dr. Green whether any candidate had appeared who could fill Winsor's old place. Yet the voice of the unseen occupant of the chair was unmistakably the voice of one in authority. A moment later the cloud of officials dispersed, and I saw a strange man busily writing at the desk before him. Suddenly becoming aware of my presence, the stranger turned to face me, with the inquiry, "Do you wish anything of me, sir?" "I shall be exceedingly obliged to you for your name if you will have the goodness to give it to me"; I said, "My name is Chase." That kindly look, that pleasant smile I came to know and prize so much, brightened the stranger's face, as he said, "I am Judge Chamberlain, the new Librarian, and I am really very glad to see you." So began my acquaintance with the friend I have lost and of whom I am to speak to you to-day.

Born on a farm in the river town of Pembroke, New Hamp-

shire, in June, 1821, where the first fifteen years of his life were passed, and where he acquired such instruction as the village schools could give, he moved with his father to Concord in 1836, where he remained four years. In 1840 he entered Dartmouth College, where he soon took a good rank in his class. He was graduated, in 1844, in the first third of his class — a member of the Phi Beta Kappa chapter of his college, and he is remembered to have attained special distinction in classical studies. He was liked by his classmates, and through life was always held by them in affectionate regard. From Hanover he went directly to Brattleborough, and as teacher of the Central School, remained there until November, 1846, when he entered the Harvard Law School, of which he soon received the appointment of Librarian. During college vacations he had taught school at Danvers, and he there became engaged to Martha, daughter of Colonel Jesse Putnam of that place. His desire to be married led him to very hard study while at Cambridge, and he received the degree of Bachelor of Laws in 1848. With a view, it may be presumed, of securing a sum of money on which to be married, he accepted the agreeable position of tutor in the family of Chancellor Kent, passing some months at the Kent homestead, Kent Place, Summit, New Jersey. Mr. Chamberlain was exceedingly fond in after life of referring to his stay in the Chancellor's family, and his retentive memory enabled him to preserve a fund of interesting anecdote of the eminent man in whose society he had the good fortune to be thrown at an impressionable age.

Mr. Chamberlain returned to Massachusetts early in the spring of 1849, and on the 6th of May was married to Miss Putnam. They went to live in Chelsea, where he had already decided to open an office for the practice of his profession.

The Winnisimmet Land Company were at that time about to plot, divide, and sell their remaining extensive holdings of land within the limits of Chelsea. Mr. Chamberlain, in anticipation of the sale, began a thorough study of that company's titles to their property. As the result of his labors many buyers of these lands chose him to prove their titles and pass the necessary deeds. The business so acquired was considerable, and, as he followed it up with great industry, he came to be largely employed in Chelsea and the neighborhood as a successful conveyancer.

In 1857, the year before it became a city, he was chosen a selectman of Chelsea, and, from time to time thereafter during his long life, he faithfully served that city in many positions of trust and importance. He was a representative to the General Court for 1858 and 1859, and in the former year was appointed City Solicitor, which post he held for six years. In 1863 he was chosen to the Senate, and again in 1864, when he became Chairman of the Judiciary Committee. In the spring of 1866 Mr. Chamberlain waited on Governor Bullock for the purpose of recommending to his favorable attention the name of a brother lawyer for appointment as Associate Justice of the then newly created Municipal Court in Boston. The Governor listened to him with marked attention as he set forth the claims of his candidate. When Mr. Chamberlain had finished, Governor Bullock smilingly replied that the person whom he had already selected for the place was Mr. Chamberlain himself. It is the opinion of his surviving associate<sup>1</sup> that he came to the new court well equipped for the place. He was a well-grounded lawyer, and he made an able judge, depending successfully on his general knowledge of law to discharge acceptably the duties of his place. It was not long before the strong cases on the civil side of the court came to be brought before him, and the preference thus shown by the bar led to his appointment by Governor Claflin, in December, 1870, to be Chief Justice of the Court. I am told that, in the trial of civil actions, the Judge was fond of reasoning by analogy, and his analogies were often very pat. Sometimes the bar would think there had been a flaw somewhere in his reasoning, but discovered that they could not find it. His contemporaries thought him endowed with a very keen mind. In the division of the work of the Municipal Court among its justices, Judge Chamberlain held the Criminal Term for one week, and the Civil Term for three days of the following week. He would then leave the court and not return till a week from the ensuing Monday. It will thus be seen that he was free of his court, at intervals, for half the year. During these intervals he devoted himself to his autographs and to historical study. He had begun his collection of prints, documents, and autographs when a youth at Pembroke. At Concord he sought out, among the public

<sup>1</sup> Chief Justice Parmenter.

men who frequented the capital of the State, every one he thought able to assist him, and from that time the increase and improvement of his collection became the ruling passion of his life. At Brattleborough he found the reputation of his collection had preceded him. Both before and after he went to live in Chelsea, Judge Chamberlain made repeated tours through Massachusetts and New Hampshire, spending many pleasant nights in wayside farmhouses, sifting the contents of barrels and boxes in village attics, inquiring everywhere for old letters and largely enriching his collection.

His taste for history was early developed by his fondness for the society of intelligent old men and women whose memory of their youthful days was strong and accurate. While teaching, as Mr. Goodell informs me, at Danvers in college vacations, he made the intimate acquaintance of Captain Levi Preston,<sup>1</sup> a soldier of the Revolution, from whom he elicited much detailed information of that contest and the political situation in Massachusetts both before and after it. The knowledge directly acquired, as in this instance, from survivors of the Revolution led to the long-protracted investigations of the causes of that war for which Judge Chamberlain was distinguished, and with which any one honored by his companionship or with his occasional society would perceive that his mind was fairly saturated.

One morning in the summer of 1878 Judge Chamberlain sought an interview with our late associate Mr. Greenough, so long President of the Public Library, to recommend a gentleman in his judgment peculiarly well qualified to be its Librarian. Whether, as he left his home with this intent, a hope dawned upon his mind that the interview might result as favorably for him as did his visit to Governor Bullock in 1866, he never, I think, disclosed; but he urged his friend's claims only to be told once again that the appointing power was already favorably inclined towards himself. He was chosen Librarian of the Public Library in August, 1878, and held that position until October, 1890, when he resigned, after twelve years of faithful service.

The huge development of the Library under Justin Winsor's control and the vast number of books bought and shelved in his time forced the Trustees, after his resignation, to the

<sup>1</sup> John Adams, with other Essays, by Mellen Chamberlain, LL.D., p. 248.

conclusion that a conservative policy was for a time necessary. Judge Chamberlain was soon found to be a satisfactory librarian. He caused a careful examination to be made of the books in the Library, and then began a systematic attempt to improve their physical condition. He sent to the bindery all high-cost books in fine bindings liable to be pulled and knocked about by the messengers, and had strong covers put on them. He urged an enlargement of the bindery, which was made, and an increase of its force ; and when the bindery proved unequal to the demands made upon it, he sent to private binderies large numbers of books for strong bindings. The great improvement in the physical condition of the Library thus brought about and which came to be seen at a glance by any one familiar with the stack, was mainly due to Judge Chamberlain. He gave his personal attention to the improvement of various lines of American history, persistently searching catalogues for needed books, and he had at last the satisfaction of seeing this department brought up to the demands made upon it. Though devoid of marked executive faculty, he came in time to know the duties of every servant of the Library. Patient, just, and considerate of even the humblest employés, he composed their occasional differences with tact and good judgment. He met the varying demands and complaints of all who used the Library with such a happy combination of conciliation, firmness, and good temper as to satisfy the public, relieve the Trustees, and largely increase his popularity. Without close supervision of his subordinates, he placed implicit trust in heads of departments ; confident that his treatment of them would make them loyal to him, he relied on their own *esprit du corps* for the faithful discharge of their duties. In turn, the Library recognized with increasing pride and pleasure the reputation of its chief for profound historical research.

Writing from Brattleborough, in 1844, to her son, our associate Colonel Higginson, his mother spoke of young Chamberlain "as a remarkable young man," and said, "He will soon publish." His first published effort dates from 1881, — thirty-seven years of intention before that well-stored mind overflowed into print. Such a period of incubation it would be difficult to parallel.

His marriage to Miss Putnam opened to the young lawyer a large and agreeable family circle. Though their

union was not blessed with children, their home life was a very happy one. Their house became the centre of much literary improvement, and a class in literature for the study of English and American authors under his guidance held weekly meetings there for many years. His wife early assumed the care, preservation, and collection of all his papers, and her death in 1887 was the one great grief of his life. Thenceforth he lived alone, busy with his "History of Chelsea" and the production of an occasional essay. As summer returned each year to bring flowers to the garden his wife had made and cared for, he gathered them, as they came, to carry to her grave. The publication of his book<sup>1</sup> the year before his death seemed to him the culmination of his life. He was deeply gratified by the letters which came to him from many distinguished men concerning it, and by the many evidences of wide and cordial appreciation of it he found in the reviews. He had joined in early life the Orthodox Congregational Church, and in June of this year, having long suffered from one of the maladies of old age, which he bore with a cheerfulness and courage that touched the hearts of his friends, he went down to the grave, sustained by so many recollections of a useful and well-spent life, and cheered by the faith he had long and steadfastly professed.

I cannot take my leave of the friend I have lost without bearing witness to the great personal charm of the man. Manly, courteous, hospitable, ever loyal to those who were once admitted to his friendship, he was incapable of any narrow, small, or mean considerations; and his society was valued as highly by his friends as he himself showed how dear others were to him. No one who ever heard the tones of his voice or the words which obeyed the warm impulses of his heart, as he spoke of the friends of his youth, could fail to see how affectionate and companionable was his nature. Without other than a just pride in what he had himself accomplished unaided in life, he was exceedingly generous in his recognition of the work others had done or were doing. Though his reading had been largely in those lines of historical investigation he had enriched so much by his own pen, he possessed a considerable knowledge of general literature.

Living for many of the active years of his life in a far corner of Chelsea, as remote and aloof from the currents of

<sup>1</sup> John Adams, with other Essays, Boston, 1899.

life and thought circling among literary and scientific men in Boston and Cambridge as if his home had been on Nantucket, Judge Chamberlain habitually devoted a fixed portion of those periods of leisure afforded him by the conditions of his official life to well-planned lines of reading, and of teaching English literature. Rich and allusive as was his conversation when turned upon colonial history, he was in no sense a man of one subject. Within the broad limits of the single language he spoke and wrote so well there was little in the way of modern history, through its best authors, or of the essayists, or of poetry, memoirs, and good fiction he had not read. Few, I think, who peruse the single volume of his collected writings but will note how wide are the fields in literature that he trod, and, so far as the nature of the author they may have never personally known is revealed to them in his pages, they will observe how cold and impartial is his masterly review of Palfrey's History of New England, or with what warmth of emotion he leads up, in his essay on "Landscape in Life and Poetry," to the majestic passages which adorn its close.

In conclusion, if his loss to this Society be one that I fain must believe cannot soon be made good, how much greater is the loss which has come to those who had long known and loved him as their ever-constant friend !

Mr. HENRY W. HAYNES said : —

Mr. President, — Apart from the sorrow we all feel at the loss to our Society of so valued a member as Judge Chamberlain, I cannot refrain from speaking of him from a somewhat more personal standpoint. From my earliest college days I have known him intimately ; for several years we occupied law-offices together, and for a still longer period we were closely associated officially at the Boston Public Library. I knew him thoroughly ; I have watched his career with an affectionate interest ; I highly appreciated his many sterling qualities, and his death makes a wide gap in my life.

Judge Chamberlain was a strong character ; a genuine product of rural New England life. His training at Dartmouth College, which he ever remembered with gratitude, gave him a foundation of good learning, upon which he built a substantial structure of special knowledge, in some respects unsurpassed. His inborn taste for everything beautiful in nature and in



literature was cultivated by extensive reading, and resulted in giving to him a literary style, strong, incisive, and yet singularly clear and graceful. He was an excellent public speaker, logical and forcible, and his remarkable memory readily supplied him an abundance of illustrations to enforce and enlighten his argument. He was a valuable public servant, who had rendered to the community varied and most useful service. While serving in the Massachusetts House of Representatives he did most valuable work as a member of the special Committee upon the Revision of the Statutes; and in the Senate he held the position of chairman of the Judiciary Committee. For twelve years he was a judge of the Municipal Court of the city of Boston, and during a large part of the time the Chief Justice. From the bench he was called to be Librarian of the Boston Public Library, succeeding our late associate Justin Winsor; and this position he held for an equal number of years. Impaired health and the shock occasioned by the sudden death of his wife, from which he never recovered, compelled him to resign this place ten years ago, and since then he has given his time to such historical writing as his failing strength permitted.

He was of a very social disposition, a most agreeable companion, and delightful in conversation, pouring out from his stores of knowledge an abundance of rare and curious information, which was always at the service of all who sought him.

In three distinct departments of knowledge Judge Chamberlain excelled. He was a profound antiquary, familiar with the unpublished and recondite sources of our early history, and a consummate expert in ancient manuscripts. He was a philosophical student of the springs of political action, and with the trained capacity of the lawyer he traced to their real origin the hidden causes of the alienation of the colonies from the mother country. Lastly, he was a charming essayist, whose occasional addresses and purely literary studies, in their collected form, have called forth the delighted praise of most competent critics. All of these several qualities of intellect and acquirement were most freely bestowed here among his fellow-members of the Massachusetts Historical Society. He delighted in this membership; he was a most assiduous attendant at our meetings, and I think we shall long remember the readiness with which he responded to every call upon his stores of knowledge, the fulness and accuracy of his recol-

lections, and the orderly flow of his *impromptu* utterances. Papers specially prepared for our meetings form a substantial portion of his published work, and are among the most valuable and interesting to be found in our successive volumes of Proceedings. He will be greatly missed in these rooms.

Let me dwell for a brief moment longer upon each of the three marked qualities of our friend that I have just spoken of.

The antiquarian tastes of Judge Chamberlain were early developed, and were fostered after his removal to Concord, New Hampshire, in 1836, by his intimacy with John Farmer, the archivist of that State, whom he assisted in some of his genealogical and historical investigations. He then began to form his remarkable collection of autographs, to which he soon added such letters, documents, and other manuscript material as he could obtain by exchange with other collectors, and by the indefatigable searching of garrets and out-of-the-way repositories of old papers, as such were made accessible to him. At the time I first became acquainted with him, in 1847, when he was Librarian of the Harvard Law School and I a Freshman in college, he went with a letter from me to Bangor, Maine, to rummage among the boxes and barrels which contained such papers of my grandfather, William D. Williamson, as were not specially related to his History of Maine. Such untiring industry as this he kept up for years, and as his means permitted he became a constant buyer at the auction sales of manuscripts from other sources. He early added engraved portraits to his collection, which finally became one of the richest and most varied stores of manuscript historical material existing in this country. These gatherings he deposited in a room in the new Public Library Building, specially prepared for them by the Trustees, and in accordance with the provisions of his last will they will become the property of the Library and available for the use of future historical students and antiquaries. In the mean time a selection of their autographic riches has been displayed in the Library, and a preliminary catalogue of some of these treasures was published by the Trustees in 1897; a complete one is in the course of preparation. The "Chamberlain Collection of Autographs and Manuscripts," I think, will prove to be one of the richest sources of information available for American history, and will form the worthiest monument to the memory of its creator.

As a writer upon historical topics Judge Chamberlain first attracted attention by a notable address, in 1884, upon "John Adams, the Statesman of the American Revolution." Of this I wrote, in the report of the Council of this Society for that year, that "he has traced the secret springs of that great movement with a depth of philosophical insight superior to any previous treatment of the subject." This estimate of mine of the value of this important study has been confirmed by the opinion of numerous students of history, which I will not here attempt to repeat.

In 1887 he contributed to Winsor's "Narrative and Critical History of America" a chapter entitled "The Revolution Impending," and he read before the American Historical Association a paper upon "The Constitutional Relations of the American Colonies to the English Government at the Commencement of the American Revolution." These showed, as I have already remarked, a sure insight into the hidden springs of political activity in the colonies, and proved how short previous writers had come of divining some of the underlying causes that made a collision inevitable, and how erroneous were the popular impressions prevalent as to the comparative importance of many of these causes. His familiarity with the statutes of the mother country, his knowledge of the principles of the law, and his judicial cast of mind shed a flood of light upon points obscure to or misunderstood by scholars who had never enjoyed the advantage of a similar legal training. This is not a suitable occasion to endeavor by quotations from his writings to set forth the substantial contributions he has made to the accurate knowledge of American history. I trust this will be done when his memoir is written.

The longest and most elaborate work of a historical character which had occupied his attention for several years and which unfortunately is left unfinished at his death, is a detailed history of Chelsea, Massachusetts (the ancient Winnisimmet), the place of his residence for all his mature life. This he has committed to our Society as a trust to be carried out and finished, and he has provided by his last will the necessary means for its completion and publication. Such a charge will assuredly be complied with by us so soon as the needed work can be arranged for and accomplished.

It only remains for me to allude in a few words to the

uncommon literary quality which marks the style of Judge Chamberlain's occasional addresses and essays. No one can read the volume through, in which he gathered these together last year, without recognizing their charm, and feeling deep regret that their amount is so limited; for in sound scholarship, critical sagacity, sober judgment, and catholicity of taste the volume ranks, at least in my judgment, as equal to any that our generation has produced. Especially noteworthy are his addresses upon Daniel Webster; his reviews of McMaster's and Palfrey's Histories; his address at the dedication of the Brooks Library Building, in Brattleborough, Vermont, upon "New England Life and Letters"; and his essay upon "Landscape in Life and Poetry." These show a variety of accomplishment, a depth of thought, and a range of study not often to be found in combination. I think the book will long hold a cherished place upon the shelves of lovers of refined literature.

Of Judge Chamberlain's qualifications as a jurist I have no personal knowledge, and must leave that side of his life for others to portray. I only knew him as a sound lawyer, a safe counsellor, a careful conveyancer, and a judicious and successful advocate.

Mellen Chamberlain was born in Pembroke, New Hampshire, June 4, 1821, and died at his home in Chelsea on the 25th of last June. He graduated at Dartmouth College in 1844, and received from his *alma mater* the honorary degree of Doctor of Laws in 1885.

He has been a member of this Society since January, 1873.

The President said it had not been the custom of the Society to pay special tributes to the memory of Honorary or Corresponding Members; but that he should on the present occasion call on Mr. J. F. JAMESON, a Corresponding Member, to say something of the late John Nicholas Brown, who died in May, and on Mr. JAMES F. RHODES to speak of the late Jacob D. Cox, who died in August.

Mr. JAMESON said:—

John Nicholas Brown, a Corresponding Member of this Society, died in New York City on May 1, 1900, at the early age of thirty-eight. He was born in Providence, December 17, 1861, of a family than which none has attained more distinc-

tion in the annals of Rhode Island or occupied in the present century a more influential position in the economic and social life of Providence. He was descended in the direct male line from Chad Brown, one of the original settlers of the town. His great-grandfather, Nicholas Brown, was one of the leading merchants of the State at the time of the Revolution, in which he took an important part, and was afterward actively engaged in the promotion of the East India trade of Providence. His grandfather, also named Nicholas Brown, was conspicuous in the development of those manufacturing industries to which Providence turned at the close of its era of foreign commerce. He was a liberal benefactor of Brown University, which was given its present name in honor of him. John Carter Brown, the father of our associate, and donor to Brown University of its present library building, was a man of great wealth, but is chiefly known to the learned world as the collector of a most remarkable private library of early Americana, which at the time of his death ranked in the same class with the Lenox Library and the American collections of the British Museum.

John Nicholas Brown, thus born to great material and intellectual advantages, was a studious and exceedingly conscientious boy, of somewhat delicate physique. He entered Brown University in 1881, but his health did not permit him to complete more than half his course. His education was continued by means of travel and private study, and he became a highly cultivated man, earnest and thoughtful in intellectual pursuits. Much of his time was inevitably devoted to the care of his extensive pecuniary interests. In this, as in all things, he showed himself judicious, conscientious to an extraordinary degree, and perhaps laborious beyond the extent of his strength. But he found time to give careful attention to many public interests, though he held no political office except that of a presidential elector in 1888. He was a deeply religious man, and warmly attached to the Episcopal Church, to whose charities he made generous and frequent benefactions, yet always in terms that showed thought and discrimination.

But the benefactions which will forever make his name memorable in Rhode Island, and which especially call for commemoration in the transactions of such a Society as this, related to libraries. From the time of his father's death, he

had taken a warm and intelligent interest in the development of the extraordinary collection of Americana which John Carter Brown had founded. But his interest in libraries was not that of the merely rich and selfish collector. This was shown not only by the liberality with which he placed his treasures at the service of historical scholars, but by his provision of a skilful librarian, and his plans for an adequate fire-proof building, separate from his Providence residence, in which the books might always be accessible. It was proved in the most striking manner by his munificent gifts to the Providence Public Library. At a time when that institution was in sore straits from the want of a new library building, it was made evident that this quiet collector of rarities was, of all the many rich men of Providence, the one most keenly appreciative of the needs of the great public. His donation, the most important ever made to any public object in Providence, permitted the desires of the librarian to be carried out by the erection of a building not only admirably equipped in all points of utility, but dignified and even beautiful in architecture. Invaluable as the new library must be to the life of Providence, we ought perhaps to rate even higher the value of so great an example of public spirit and intelligent generosity.

Meanwhile Mr. Brown was not forgetting the more special interests of historical scholars. By his will he created a trust for the John Carter Brown Library, setting aside for building purposes a sum amply sufficient to provide an adequate home for that priceless collection, and bequeathing for its maintenance and increase an amount so great that it must inevitably become before many years by far the most important collection of Americana in the world. The trustees are permitted either to give it in trust to some existing corporate body or to cause it to be maintained as an independent institution. In either case it will forever be at the service of historical students.

Upon the present occasion it is less fitting to dwell upon the many private virtues of this devout and conscientious young man than upon these traits of generosity to the public and thoughtful care for wide and lofty interests. When saddened by the frequent indifference of rich young Americans to the things of the mind and to wider concerns than those of fashion and sport and selfish gratification, it will be good for us to remember this brief but noble life, this shining example

of one who was always intensely mindful of the responsibilities imposed by great wealth and conspicuous social position.<sup>1</sup>

Mr. RHODES said : —

A useful member of the legislature of his State, a general in the army during the Civil War, governor of his State, Secretary of the Interior in President Grant's Cabinet, a member of Congress, the president of a large railroad, a writer of books, dean and teacher in a law school, and a reviewer of books in the "Nation," — such were the varied industries of General Cox. All this work was done with credit. He bore a prominent part in the battle of Antietam, where Ropes speaks of his "brilliant success"; he was the second in command at the battle of Franklin, and bore the brunt of the battle. "Brigadier-General J. D. Cox," wrote Schofield, the commanding-general, in his report, "deserves a very large share of credit for the brilliant victory at Franklin."

The governor of the State of Ohio does not have a great opportunity of impressing himself upon his community, but Cox made his mark in the canvass for that office. We must call to mind that in the year 1865, when he was the Republican candidate for governor, President Johnson had initiated his policy of reconstruction, but had not yet made a formal break with his party. Negro suffrage, which only a few had favored during the last year of the war, was now advocated by the radical Republicans, and the popular sentiment of the party was tending in that direction. Cox had been a strong anti-slavery man before the war, a supporter of President Lincoln in his emancipation measures, but soon after his nomination for governor he wrote a letter to his radical friends at Oberlin in opposition to negro suffrage. "You assume," he said, "that the extension of the right of suffrage to the blacks, leaving them intermixed with the whites, will cure all the trouble. I believe it would rather be like the decision in that outer darkness of which Milton speaks where

'chaos umpire sits,  
And by decision more embroils the fray.'"

<sup>1</sup> Mr. Brown was married, on September 8, 1897, to Natalie Dresser, daughter of the late Colonel Frederick Dresser, U. S. A. Mrs. Brown and an infant son survive him.

While governor, he said in a private conversation that he had come to the conclusion "that so large bodies of black men and white as were in presence in the Southern States never could share political power, and that the insistence upon it on the part of the colored people would lead to their ruin."

President Grant appointed General Cox Secretary of the Interior, and he remained for nearly two years in the Cabinet. James Russell Lowell, on a visit to Washington in 1870, gave expression to the feeling among independent Republicans. "Judge Hoar," he wrote, "and Mr. Cox struck me as the only really strong men in the Cabinet." This was long before the Civil Service Reform Act had passed Congress, but Secretary Cox put the Interior Department on a merit basis, and he was ever afterwards an advocate of civil service reform by word of mouth and by pen. Differences with the President, in which I feel pretty sure that the Secretary was in the right, caused him to resign the office.

Elected to Congress in 1876, he was a useful member for one term. He has always been known to men in public life, and when President McKinley offered him the position of Minister to Spain something over three years ago, it was felt that a well-known and capable man had been selected. For various reasons he did not accept the appointment, but if he had done so, no one could doubt that he would have shown tact and judgment in the difficult position.

As President of the Wabash Railroad, one of the large railroads in the West, he gained reputation among business men, and five or six years ago was offered the place of Railroad Commissioner in New York City. This was practically the position of arbitrator between the trunk lines, but he was then Dean of the Cincinnati Law School and interested in a work which he did not care to relinquish.

Besides a controversial monograph, he wrote three books on military campaigns: "Atlanta"; "The March to the Sea; Franklin and Nashville"; "The Battle of Franklin"; and he wrote four excellent chapters for Force's "Life of General Sherman." In these he showed qualities of a military historian of a high order. Before his death he had finished his "Reminiscences," which will be brought out by the Scribners this autumn.

His differences with President Grant while in his Cabinet



left a wound, and in private conversation he was quite severe in his strictures of many of the President's acts, but he never let this feeling influence him in the slightest degree in the consideration of Grant the General. He had a very high idea of Grant's military talents, which he has in many ways emphatically stated.

Since 1874 he had been a constant contributor to the literary department of the "Nation." In his book reviews he showed a fine critical faculty and large general intelligence, and some of his obituary notices — especially those of Generals Buell, Grant, Sherman, Joseph E. Johnston, and Jefferson Davis — showed a power of impartial characterization which is a high merit in an historian. He was an omnivorous reader of serious books. It was difficult to name any noteworthy work of history or biography or any popular book on natural science with which he was not acquainted.

As I saw him two years ago, when he was seventy years old, he was in the best of health and vigor which seemed to promise many years of life. He was tall, erect, with a frame denoting great physical strength, and he had distinctively a military bearing. He was an agreeable companion, an excellent talker, a scrupulously honest and truthful man, and a high-toned gentleman.

Mr. JAMES F. HUNNEWELL read the following paper: —

*Early Houses near Massachusetts Bay.*

Domestic monuments, as they may be called, are no unimportant part of the materials for our local history, one deserving care and attention. Manuscript and printed matter can be, and is, reproduced in type and made more secure and accessible; indeed there is little of such matter extant that has not been thus saved and widely distributed. The domestic monuments, on the other hand, cannot be reproduced, but must be preserved where they are or be utterly lost. Notwithstanding the moderate amount of illustration that the earlier American life received in art and literature, and even in records, much yet remains either written or printed. Of buildings that show how the people lived, what they did, or what their means, less is found. Still, however, after time and man have dealt with these early works, there are not a few

interesting and valuable examples to be found even in excursions around Massachusetts Bay only, to an account of several of which, visited in 1900, this paper is limited.

The places of worship, that among all people are apt to be the most notable works, were here, by necessity, unenduring. Limited resources, if not feelings and capacity, supplied little or nothing that could be called art. The local meeting-house was simple in style, so far as it had any; it was sometimes sturdy, but it was not solid enough to last through centuries like the Norman or Pointed English parish church. The one thought to be the oldest and the most important still in use, that in Hingham dated 1681, is a rather large oblong-square wooden building. It stands commandingly beside and above the road, but it looks somewhat modernized, and, with its two rows of moderate-sized windows with blinds, quite as domestic as religious, — it is not ecclesiastical, as its builders were not. With its roof sloped four ways, capped by an open belfry, and a spindle spire, it has, though simple as it is, a quaintness that can hardly be manufactured in ways now tried, and, more than this, an historic interest and value well worth the care evidently bestowed upon it. One who sees it feels sure that Hingham is an enlightened town.

Permanent works of military art were so little needed, or possible at first in our region, that perhaps no examples remain except in a few garrison-houses dating from about the time of what is called Philip's War.

The monuments more wholly domestic, and which are the chief subjects of present attention, are the early dwelling-houses.

Scanty as was the early population, as well also, in most cases, its means, wooden as almost invariably were the buildings, devastating as has been what is called the march of modern improvement, we could hardly expect to find many of these houses extant. Furthermore, when we realize the recent ruthless destruction of old houses elsewhere as for instance in France, and the asserted irreverence and desire for something else in the live Yankee, we can really be thankful, we can well be surprised, to find that perhaps not a town around Massachusetts Bay is without at least one interesting and fairly or well kept early dwelling-house. Chances on the lives of these truly precious monuments may be risky, but

they still endure, and all of us should have a thought or word to help prolong such lives.

When we consider them as they are, and also observe how other civilized people are treating such monuments in their keeping, we come to conclusions about what it is well for us to do.

France has already been mentioned. In that country, once full of a wonderful number and variety of old houses, destruction of them has been great during the latter part of this century. Imitation, so far as could be, of recent Paris has been a sort of mania. Inevitable and universal as the prevailing coat and trousers is the style of building in fashion, and it is about as historic, instructive, and delightful.

In Germany, on the other hand, preservation, repair, and re-decoration of this class of works is notable throughout the empire. Large and growing cities, of course, show modern construction, that in many cases does not replace old, but is all a fresh start. Old places that have not been devastated by war which has often swept the land, show, in large and small, great appreciation of the picturesque and historic value of the old domestic as well as civic and ecclesiastic buildings.

Lunenburg (thirty miles southeast from Hamburg) is an admirable example of preservation. It is of moderate size, yet it has several streets and two or three squares or open places. Not over-rich, it has evidently spent much in putting in thorough order the public edifices and the many private houses that fill it, — all of them old and quaint, most of them brick with fantastic gables. Even some of the smaller and plainer are braced and held up in a way that is almost pathetic. There is no attempt to discard the old homes and make a copy — it would be a feeble one — of the Hamburg built since the great fire there.

Hildesheim is another example of a whole town carefully saved. It is not so exclusively of old buildings as is Lunenburg, but it has some that are richer. Gilding and painting as well as carving are lavished upon them. A house beside a coal-yard is more sumptuous than any old building in America. There is greater picturesqueness and charm in the small town-hall than there is in a certain dozen-million-dollar City Hall. Something besides money is needed to make an edifice valuable.

The Judengasse in Frankfort was, as the writer first saw it, one of the most remarkable streets of dwellings in Europe. Health more than even race-feeling has caused the demolition of this monument of social history.

In England, at Chester and especially at York, the preservations have been very honorable and gratifying. Many more examples might be mentioned, but enough has been said to show what people in other countries are doing.

For our few old houses we should, at least, ask and urge consideration. As already remarked, although they are few, they are yet more numerous than we might without a little search, expect. Apt to be of one general style or plan, they, however, show variety. There is scarcely anything that could be called art about them, but there is no little quaintness. Still they have a certain great interest, — they show the homes of primitive New England.

To find such examples as we can in the Bay region and its neighborhood, we start at the southeast, where there was one of the earliest settlements.

In Dorchester, and in its southeastern part, we find on low grassy land a house that shows a style prevalent in the seventeenth century. Set low on the ground, it has two very low stories and a sharply pitched roof. A gable towards the street is flush with the end; another at the opposite end projects above the second story. The outside is covered with clapboards that seem to be rather modern. This is the Barnard Capen house, built, it is said, between 1630 and 1637. In fair order, it is still occupied and proved to be very comfortable. Originally in a rural neighborhood, it is now being surrounded by larger and finer dwellings.

Towards Neponset, on a high swell of land that commands a wide view southward to the Blue Hills, is the Pierce house, dating from 1635 to 1650. It is still rather secluded, trees are near, but settlement is encroaching on the neighborhood. This house is much larger than the Capen. At first of similar plan, it was, ten to fifteen years later, made longer by the addition of a good-sized room on each of its two stories. Both of the stories are very low; the whitened plastered ceiling of each room is crossed by a beam, as is usual in houses of its age, here cut by an axe, the lower edges bevelled, and the ends hewn with a wavy curve. The exterior walls, covered out-

side by modern clapboards painted a neutral tint, are remarkably thick ; the windows have small square-light sashes in place of the original diamond-shaped. It is delightful to find this house well kept and furnished, very comfortable and home-like, occupied by the seventh and eighth generations of the old family, and seemingly able to last through a long future, through which may the family hold it ! After many a visit to ancient places afar, the writer had a sensation in finding near by such a good old relic.

In a small park at Edward Everett Square is a very good example, not only of an early house, but also of what can be done by intelligence and organized care. It is an oblong wooden house, two stories high, on each side, with a sharp gable at each end. All of the exterior is reshungled, stained dark, and refinished. The windows have lead sashes and small diamond-shaped panes in the primitive style. A sign at one end informs us that this is "Ye olde BLAKE HOUSE Built about 1650." Removed from its original site, not far distant, a later wing not kept, it is now a possession and meeting-place of the Dorchester Historical Association. At the right and left of the front door is a good-sized room, slightly higher than some rooms of their date, each with a ceiling entirely of oak, now very dark. In each there is a large cross beam, with moulded lower corners, supporting small beams, and these in turn the boarding of the second-story floor. In the centre of the house is, as usual, a large chimney.

Dedham is a little off the Bay, but not far southward. There is the Fairbanks house, built about 1636, and enlarged not long afterwards. It stands on grassy land, rising slightly above meadows a little way south of the town. Again here we see the oblong two-storied house, with a roof at the rear, sloping to within a few feet of the ground, but varied by a wing with a gambrel roof at each end, the one towards the road built, we are told, in 1641, when the first son of the builder was married. For this there is a small porch built in a corner in front. The whole exterior is darkly browned by exposure. Owing to decay of the sills, the house has sunk into the earth, almost to the lower window-sills in front, and the cross beams of the second floor are broken so that the front ends slope sharply in this direction. On each story are five

rooms, most of them of good size, all of them simply and quaintly finished. The western room on the second floor of the main house has a ceiling where the usual large cross-beam supports small beams of English oak with bevelled edges. Quaintly and comfortably furnished in old style, the house is occupied by the eighth generation of the family whose home it has been since it was built. Raising, underpinning, and general repair are needed to save this curious and interesting relic of the early years of New England. For preservation, it was bought, in April, 1897, by Mrs. Martha P. R. Codman and Miss Martha C. Codman.

Near Chestnut Hill, at the corner of Hammond Street, surrounded by grass ground, is a house said to have been built by Mr. Hammond in 1640, and called by his name, or, for a long time, the Woodman house. Still occupied, it is set low on the ground, has the usual two stories, the roof at the rear sloping nearly to the ground, and the large central chimney. The finish is plain; the clapboarding, painted dark dull red, is a bit shabby. Close in front, and strongly contrasted, is a large new house.

In Cambridge, on Linnæan Street, is the Austin house, built in 1657, as the date appears on the chimney. It has the usual two stories and long sloped roof behind, is painted white, and stands on a bank surrounded by shrubbery. Always kept in good order and well occupied, it is a charming survival of the best in the early times. Appropriately and handsomely furnished, it is still a comfortable as well as picturesque home. To the writer this house has, as it had long ago, especial interest. In age and style it resembles, more than any other he has known, the old Hunnewell homestead that stood about half a mile to the northeast, and that he has described in his "Century of Town Life."

The Lee house, on Brattle Street, of wood and larger than most of the buildings mentioned in this paper, is said to date from about 1680. It is a pioneer of what are called Colonial mansions, and may properly be classed with them.

Watertown has the Browne house, said to be of very early date. It stands on grass ground rising not far from the river, beside Main Street, nearly a mile from the Square. Of wood, as usual, two stories high front and rear, it was originally not large, with small rooms having plastered ceilings crossed by a

beam. At one end additions were made that are now ruinous. The family whose name it bears removed some years ago, after occupying it through more than two centuries (Bond, 126), and the place is not now in very good order.

Somerville, where the Hunnewell homestead was, has now, perhaps, no house nearly of its date. The notable relic there is partly military as well as domestic, the Old Powder House, long preserved by the Tufts family, and now, surrounded by a Park, the property of the municipality. It is a round tower built of split stones,  $60\frac{3}{4}$  feet in circumference on the outside, with walls  $2\frac{1}{3}$  feet thick (Town Life, 67). For many years after it was built (about 1710), it was a gristmill; then it was a storehouse for Provincial or State powder. It is now one of the most picturesque and substantial of local antiquities.

Medford contains two houses remarkably early and well preserved. Both are not far north of Mystic River, over the extensive marshes, bordering which they have a wide outlook. The western one is thought to be the oldest brick building and the oldest house near the Bay. Built in 1634 for Matthew Cradock, it was headquarters and bulwark for the great plantation that he established. Two stories high, as measured by the writer,  $43\frac{3}{4}$  by 31 feet, its walls, 18 inches thick, are built of red and black bricks, "not English in size, color, or workmanship," says the Rev. Charles Brooks, but the "color of those afterwards made in East Medford." The roof is double-pitched; at each end is a chimney in the back of the western, of which there was, says Mr. Brooks, a pane of glass set in iron to give an outlook on approach from the town. By the river there was a ready way for communication with Boston. Ruin seemed impending for the house when it was bought and preserved by Colonel Lawrence of Medford. Modern and incongruous additions were removed, repairs were made, and the interior admirably restored. It is now a charming home, comfort and elegance within it, grassy banks around it, vines growing upon its walls, and strength to last for a long future.

At some distance eastward is the other house, a good-sized one, called the Cradock farm-house, built in 1636. It is of wood, two stories high, with the usual long sloping roof at the rear, and is now painted white, relieved by dark bronze on the window cases and gable borders. Ample grounds surround it, and all parts are in admirable order.

In Revere, on a low hillside and facing a creek southward that gives access by boat, stands the Newgate-Yeaman house, built about 1650. Here, again, are the usual two stories and long-sloped rear roof; all in this case blackened by exposure. The sturdy frame, of oak, filled by bricks laid in clay, made it capable of defence. Near it a party of Provincials, May 27-28, 1775, repulsed an attack made by British for the seizure of stock brought from Hog and Noddle's islands. This house, now in poor order, deserves more attention and care than it has received.

On the road from Melrose to Saugus is the Boardman-Hill house, dating from about 1650. It has the usual form, but varied by a remarkable clustered chimney in the centre, and a very uncommon bold projection to the second story along the front. A fresh coat of pale yellow paint now gives it, apart from these features, an almost modern effect.

Danvers appears to contain fully half a dozen houses that were standing about 1650. Salem has four or five as early as 1675, and Quincy two, of 1680, or earlier. This paper is growing to a length that suggests postponement of remarks on them.

Ipswich contains a house to be mentioned not only for itself, but also for note of its preservation. It is the so-called Whipple house, dating from 1633, the oldest in the town, standing near the railroad station, and restored by the Ipswich Historical Society. It is of the usual two-storied form with a long sloping roof at the rear. On the end towards the street and its opposite, the second story slightly projects on a moulded timber, but there do not now seem to have been preparations for defence. The exterior is newly shingled, roof and sides, and the finish also is renewed, enough of the old having remained to determine the form and mouldings; all these parts are stained to look old. The interior was stripped to the old frame (1898) and then restored, so that we can now see such a house as it was at its best when new, or, perhaps a bit finer than ever. On the lower floor, the front room, large but very low, shows heavy beams crossed by smaller in the ceiling. The room on the other side of the front door is smaller. No longer wholly a residence, these rooms contain old domestic articles forming a collection very creditable to any town.

In Gloucester, near the head of New River, is a large house



with its second story slightly projecting on a few brackets. It is dark with age, evidently very old, and now neglected. The notable early house of the town is the Ellery, a mile from the harbor, on the road to Annisquam. It is said to have been built about 1676 or in 1703 by the Rev. John White. After being the Stevens tavern, it has, for a century and a half, had its present name, and is occupied by the fifth generation of Elleries. Facing easterly, it stands, prettily shaded, on a slight rise of grassy land just above a marsh and creek. There are the usual two stories and the long-sloped rear roof, which here reaches within six feet of the ground; the second story, in front, projects. Clapboards painted lead color cover the exterior, where everything, as also through the interior, is in good order. On each side of the front door and stair is a good-sized room, very low, each with a flat beam across the plastered ceiling. In an unusual way, there are diagonal timber braces of the frame at the corners of the walls. The roof frame, seen in the attic, is rather slender, and contains small beams that show the curve of the trunk or branch from which they were hewn; all parts are fitted by mortise and tenon secured by wooden pins. All the boards, both of floors and roof, are very wide. Under the long slope of the rear roof, and in a second story, there is a room with a fireplace and a closet for the slaves, of whom the early Elleries had four. Under this room, and on the ground floor, is another with a plastered ceiling hardly six feet high. Whatever the exact date of this house, it is an interesting example of a very early style with the interior unchanged.

The best example of the very early house seen by the writer, and perhaps the best that remains, is not on the Bay, though in the Bay Colony. When built, or later, it probably had few equals. It is the Pierce house in Newbury, dating from about 1650, and standing in wide fields not far from the town. The walls, both of the main house and of a wing in the rear, are of gray split stones, and are very thick. In front is a two-storied red brick porch. All of these are or have been plastered. At one end is an early addition built of wood. On the lower floor there are two wainscoted rooms, large, well kept, fully furnished, and quaint and delightful. It is a substantial, very homelike house, more like an English one of its date than any the writer has seen in Massachusetts. (Visited in 1896.)

Boston "proper" does not contain one of its earlier houses entire, and but scanty relics of any built before 1700. The largest and best example that remained within recent years was the Wells-Adams house, built perhaps before 1680. It was a long, three-storied wooden building, with the second story boldly projecting, and in fine order. On its site, 115 to 121 Salem Street, is now a five-storied building of pale bricks, bearing date of 1894, used for shops and dwelling, and showing foreign names on signs. The oldest relic was the Tremere house, 343, 345 North Street, built before 1674. In place of it is now a five-storied red-brick structure, dated "1898," with tenements and Italian shops. Mutilated portions of the Province House (1679) serve only to suggest the grandest domestic monument that Boston has thrown away.

In North Square still remains Paul Revere's house, built soon after 1676. It is of wood, with a projecting second story and a third flush with that, all low, and refinished in plain modern style. Internally, the ceiling of the lower story shows the old beams. This floor is now an Italian grocery. In the centre of the front is a small bronze memorial tablet; at its left is a large sign inscribed "Banca Italiana"; at its right another announcing "Spedizioni per Qualunque Posto degli Stati Uniti." On a post near by are black signs with gilt letters, stating city rules in English, Italian, Portuguese, and Hebrew. The old North End is evidently changed.

On Dock Square is the former Sun Tavern, inscribed "The Old Corner Built 1690." It is a three-storied wooden building, the second story projecting, the third flush with that, the whole plainly refinished and not antique in effect. Far more picturesque was the store with gables and plastered walls marked 1680 that stood on a neighboring corner and that was taken down in 1860. Still older was the Ship Tavern in North Street, removed some seven years later. A large early house remains at the corner of Sun Court Street and North. It is of wood, four stories high, the second, with those above it, projecting, all now refinished and freshly painted yellow.

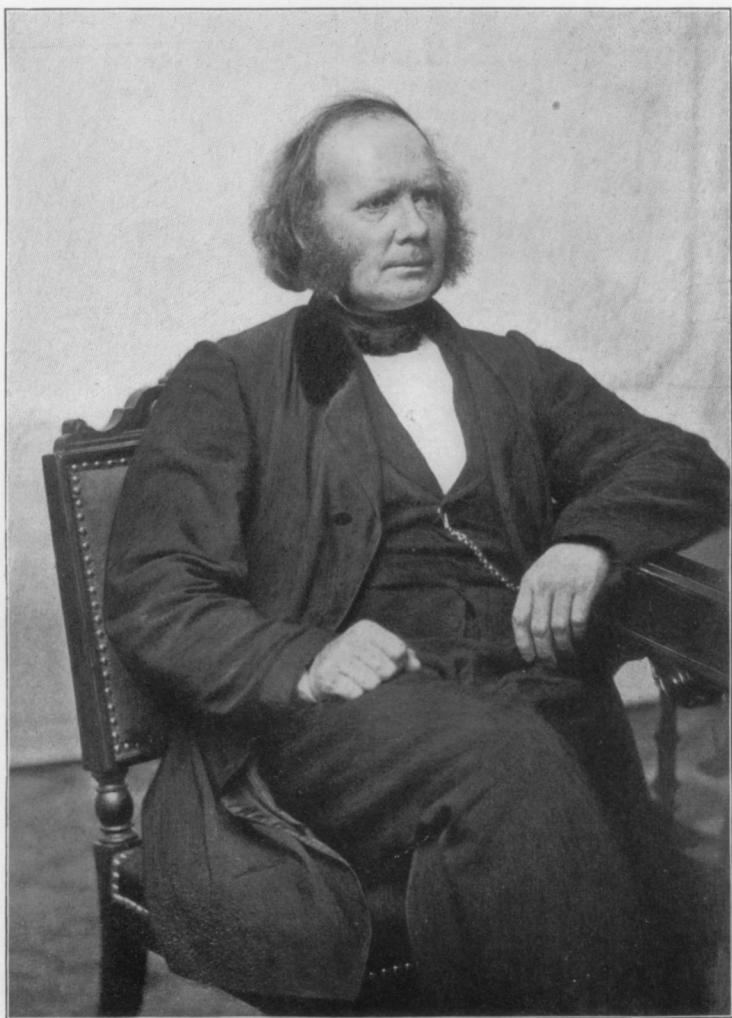
It will be observed that the houses mentioned have been preserved by private means, many of them by old families, a few by set purpose. There is still a gratifying number of them — twenty-four have been enumerated — and yet the recent disappearances have been suggestively numerous. Besides sev-

eral named already, we note in Dorchester the Minot (1640), burned in 1874, and the Bridgham (1635), taken down in 1873 ; also a later one, the Morton, in 1892. In Brookline the Aspinwall (1660) was pulled down in 1891, and in Milton the Wadsworth (about 1650), about 1883. The Barker house, Pembroke, large, and one of the very oldest in the State (1628), became ruinous and fell in 1894. In other places not on the Bay there is the same record. If losses continue at the ratio shown through twenty years past, there will be fifty years hence hardly any examples left of these domestic monuments of Massachusetts, except those saved by special effort, and such effort deserves at least the moral support of every Historical Society.

Mr. Hunnewell's paper elicited brief remarks from Messrs. EDMUND F. SLAFTER, MELVILLE M. BIGELOW, and BARRETT WENDELL.

Mr. CHARLES C. SMITH communicated in behalf of the Hon. RICHARD OLNEY, who was not present, a memoir of the late Judge Benjamin F. Thomas, for publication in the Proceedings. This memoir had been originally assigned to the late Hon. William C. Endicott, but his prolonged absences from home and his failing health had prevented its preparation. After his death the duty of preparing it was assigned to Mr. Olney.

A new volume of the Proceedings — Vol. XIII. of the second series — and a new volume of the Collections — Vol. I. of the seventh series — were ready for distribution at the meeting.



*Benjamin Thomas*

MEMOIR  
OF  
BENJAMIN F. THOMAS, LL.D.  
BY RICHARD OLNEY.

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THE subject of this memoir, Benjamin F. Thomas, grandson of the famous New England printer and patriot, Isaiah Thomas, was born in Boston February 12, 1813; entered Brown University at fourteen years of age and graduated in 1830, at seventeen; was admitted to the bar in 1833, being still in his minority, and immediately began the practice of his profession in Worcester; served as Representative in the General Court of the Commonwealth in 1842; was appointed United States Commissioner in Bankruptcy in 1843, and Judge of Probate for Worcester County in 1844; resigned as Probate Judge in 1848 and at once entered upon a large and for those times lucrative practice; was appointed Judge of the Supreme Court in 1853, and held that office till 1859, when he resigned and opened an office in Boston; was elected almost without opposition to the lower house of Congress in 1861 in place of Charles Francis Adams, whom President Lincoln had appointed minister to England; was a candidate for re-election to Congress in 1862 but was defeated; was nominated by Governor Bullock as Chief Justice of the Supreme Court in 1868 but failed of confirmation by the Council; and died at Beverly, September 27, 1878, at the age of sixty-five years.

The foregoing bald statement of dates and of leading events in Thomas's career indicates generally what manner of man he was and what was the general tenor of his life. A New Englander of respectable parentage, and starting in life with little else than the discipline and elementary knowledge to be acquired in an American college of the period, he became a leader of the bar and a judge of the highest court of his State, and was chosen a member of Congress at a time when a national

crisis of the most acute character led the community he represented to endeavor to send its best man to the front. Such a career shows talents of a high order industriously applied, unblemished character, and the enjoyment in a high degree of the esteem and confidence of his fellow-citizens. But in general features such a career is not phenomenal nor even uncommon in this country, and it would be unjust to the man and his place among his contemporaries not to give a more particular account of the special qualities by which he was distinguished.

His chosen profession was the law, and both before beginning practice and afterwards during his entire professional career he never ceased to prepare himself for his duties whether as lawyer or judge by assiduous study of legal principles. At the same time, and though never failing to comprehend those principles, in the actual work of the profession he seemed rather to seize upon the vital points of a cause by some sort of intuition than to reach them by the slower method of logical development. His professional success, both before going on to the bench and after joining the Suffolk bar, was all the most ambitious lawyer could desire. His employment was in cases of the largest magnitude, and into each he threw himself with a zeal, industry, and skill, which, if not always insuring victory, at least made defeat less humiliating and invariably increased the client's respect and admiration for his counsel. As a judge, he was most acceptable to suitors and the public at large because of a keen sense of justice always manifest and never willingly suffering the right to be overcome either by the technicalities of the law or by the undue pressure of social influence and power. The same qualities commended him to the bar, supplemented as they always were by thorough study of the law of every case brought before him, by due recognition not only of fundamental principles but of the just weight to be given to precedents, and by the ability to accurately discriminate between the essential and the non-essential in either the law or the facts of the subject-matter to be adjudicated. His judicial opinions, as a rule, consist of a singularly clear statement of the material facts of a cause, lay down in the simplest manner the legal rules essential to the decision of that particular case, and are never padded with numerous citations of authorities more or less

germane to the point in issue. Yet, if a great general principle was at stake so that it was important to know all that had been decided or written about it, his research was indefatigable and exhaustive. No student of the law, wishing to inform himself of the power of a jury at common law to decide the law in a criminal case as well as the facts, or to examine the doctrine of *causa proxima non remota*, could properly omit from his investigations the dissenting opinions of Judge Thomas in *Commonwealth v. Anthes* and *Marble v. Worcester*. It remains, however, to indicate one characteristic which the foregoing necessarily general estimate of him as a lawyer and a judge leaves untouched. He had in marked degree the fervor and the imagination which distinguish the great orator. The result to which his reason had brought him he not only entertained as an intellectual conviction but felt with all the warmth of passion. Hence, however great his merit as a thinker or debater on legal questions either as a lawyer or a judge, it is as a jury lawyer that he must be awarded the palm of special pre-eminence. The number of Massachusetts lawyers who have excelled or even equaled him in the conduct of a case to a jury and especially in the final appeal to their judgment and conscience is very few indeed. Incapable of getting verdicts by any except the most open and legitimate methods, he unconsciously exhaled a sympathy with his client's cause which was infectious and charged the atmosphere of the court room, and, unless the case was very bad indeed, could have but one result. During the trial, in the examination of witnesses or the discussion of preliminary questions, nothing escaped him which could tend to set the tide of sentiment in his client's favor, and when he closed to the jury, he spoke, not as a well-graced actor reciting his part nor with any simulated passion, but with an earnestness and fire which were real and genuine because for the time being he had thoroughly identified himself with his client and his cause. His addresses were couched in plain yet vivid and picturesque language and contained just that combination of mixed reason and feeling in which the highest art of the orator asserts itself. They were delivered with the accompaniments of an impressive presence, a flashing eye, and a sonorous voice, and never failed to move and interest, even if they failed to convince.

Thomas took an active interest in politics from the time he

became a voter. He was a Whig and was a popular and much sought after stump speaker. The only political offices he ever held, however, were, as already stated, that of Representative to the General Court for one term and that of Representative to Congress, also for one term. He became a member of the national legislature at a time when the momentous questions growing out of the Civil War first arose for discussion and treatment. While insisting upon the vigorous prosecution of the war, he looked at all the questions presented both as a lawyer and as a citizen to whom the preservation of the fundamental principles of our constitutional frame of government was of the highest consequence. It followed that in some instances his views were in conflict with those of many prominent citizens of Massachusetts, to whom the conservation of our institutions under the Constitution seemed to be quite a secondary consideration as compared with the abolition of slavery. While Thomas, for example, never questioned for a moment the right and power of a military commander for military reasons to emancipate the slaves within his military district, he did doubt the power of Congress to confiscate anything regarded by the Constitution as property without providing for compensation to the owners. His motives were unchallenged; his grasp of the legal and constitutional questions growing out of the war was undeniable; his influence in Congress was great; and he made speeches on the floor of the House and elsewhere during his tenure of office which were not only striking and effective at the time but are lasting contributions to political literature. But the greater his ability, the clearer his disinterestedness, the purer his patriotism, the more obnoxious he became to the fiery spirits who had listened with complacency to the preachment of the doctrine that the Constitution was a league with death and a covenant with hell, and who considered it God's service to violate any law of the land which antagonized their anti-slavery views. Hence, being a candidate for re-election in the fall of 1862, Thomas was overwhelmingly defeated in the same district from which he had been chosen almost without opposition in the spring of 1861. The same bitter animosity manifested itself six years later, when Thomas was nominated by a Republican Governor to the Chief Justiceship of the Supreme Judicial Court. Only pre-eminent qualifications, of course, could have brought about



this offer of the greatest office in the Commonwealth to a man without political pull of any sort and of proven unpopularity with an aggressive section of the Governor's party. Indeed, the only criticism attempted of his judicial fitness, to wit, that he was too much given to dissenting from the conclusions of his colleagues on the bench, became ludicrous when it appeared by actual count that, while nineteen hundred cases had been before the full court during his six years of judicial service, Thomas had dissented in only four. His record as a judge being unimpeachable, his course in Congress was assailed with all the rancor and recklessness of truth characteristic of the most intolerant partisanship. The Governor, notwithstanding, persisted in the nomination, thus transferring the contest to the Council, to which body he presented an elaborate statement of the facts of Thomas's Congressional record, showing conclusively that nothing in it discredited Thomas either as a Republican or an anti-slavery man unless loyalty to the Union and the Constitution could be considered as having that effect. But, though the case was clear, the pressure from the most radical wing of the Republican party was too strong and after a somewhat protracted contest, the Council, at first favorable to the nomination, was brought to pronounce against it by a majority of one. Thus closed an episode which, by the bar universally as well as by the more intelligent and thoughtful portion of the community at large, was rightfully regarded not merely as unfortunate but as seriously prejudicial to the interests and the reputation of the Commonwealth. For the first time in her history, a judgeship of her highest court had been made the foot-ball of partisan politics and an executive nomination to that office been fought by all the methods and tactics characteristic of a party caucus. Of the injustice to the individual who was the immediate victim of the proceeding nothing need be said. The public welfare is to be regarded as the real sufferer not only as it lost the services of a judge whose qualifications were of the first rank but as a precedent was set of the most mischievous tendency.

Judge Thomas was of rather more than medium stature and had the stoop of the student and the man of books. His presence was striking, being marked by a massive and well-proportioned head, lustrous eyes deep set under jutting brows, a mobile mouth, and the reddish hair and florid complexion that

go with the sanguine temperament. His countenance, stern in repose, was relieved by the constant changes of expression incident to rapid intellectual processes and easily stirred emotions, while any austerity denoted by his face was seeming rather than real and did injustice to a nature peculiarly open, frank, and genial. Social by instinct and habit, he had a keen sense of humor, was quick at repartee, delighted in the friendly collision of wits, and was noticeable for a laugh so spontaneous and hearty as of itself to inspire gayety in others. Of a generation to which the athleticism of the present time was completely unknown, his only sources of relaxation were his garden, which he cultivated with peculiar skill and success, and his library which was large and well chosen. His range of reading was extensive, there were few fields of literature into which he did not make excursions, and he had that affection for favorite authors which made choice editions and sumptuous bindings the greatest of attractions. A born lover of poetry, the English poets were as ever present friends and companions from whose works he was never tired of quoting. But his book of books was the Bible which he searched diligently from his youth up. He was more conversant with its text than most clergymen, of whom he used jokingly to observe that one of the cloth could generally be known by his efforts to quote scripture and his failure to quote correctly. One of them in turn pronounced Thomas "more than half a minister"—a characterization quite in keeping with the fact that, in the palmy days of the lyceum when every man of prominence took the platform, Thomas's most popular lecture had for its subject the apostle Paul. A Unitarian of the original school and by nature devout and of strong religious feeling, for him "the fear of the Lord" was "the beginning of wisdom" and the present life but a period of probation. From it he confidently looked forward to that life eternal which is the inspiration of the Christian faith.